

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 19, 2021

SEAN F. MCAVOY, CLERK

U.S.A. vs. Ferguson, Clinton Lee Docket No. 2:20CR00115-TOR-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Erik Carlson, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Clinton Lee Ferguson, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John T. Rodgers sitting in the court at Spokane, Washington, on the 18th day of September 2020, under the following conditions:

Additional Condition #22: Defendant shall not possess or access pornography in any form, electronic or otherwise. Defendant shall not access the internet in any way. Should Defendant obtain employment involving the use of computers or other digital devices, this condition may be revisited.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: Clinton Lee Ferguson is alleged to have violated his conditions of pretrial release supervision by having Internet access on February 11, 2021.

On September 22, 2020, the undersigned officer reviewed the conditions of pretrial release supervision with Mr. Ferguson. Mr. Ferguson acknowledged an understanding of the conditions, which included additional condition number 22.

On February 11, 2021, the undersigned officer met Mr. Ferguson at his residence for the purpose of a location monitoring (LM) equipment inspection. During that meeting, the undersigned officer replaced a piece of LM equipment that was installed in the home. While installing the new piece of LM equipment in Mr. Ferguson's residence, he received a phone call from U.S. Probation Officer (USPO) Arturo Santana, who was receiving alerts when issues arose with LM equipment. Mr. Ferguson allowed the undersigned officer to speak to USPO Santana and confirmed that there were no issues with the LM equipment. The undersigned officer noticed Mr. Ferguson's cellular telephone was a Samsung Galaxy cellular telephone that had the capability to access the Internet.

The undersigned officer asked Mr. Ferguson to verify if this smart phone had access to the Internet. Mr. Ferguson tapped on the Internet icon on the cellular telephone and a website that electronically stores medical documents called "My Chart" appeared. Mr. Ferguson said that My Chart is an application on his telephone and did not believe he was accessing the Internet. The undersigned officer advised that based on Mr. Ferguson tapping the Internet icon and the My Chart website appeared, he was accessing the Internet. Mr. Ferguson adamantly denied accessing any other website and stated his daughter used his telephone to pay all of his bills.

Upon the undersigned officer's request, Mr. Ferguson accessed the "settings" section on his telephone to show if he had a data plan connected to his telephone, which would provide him with Internet access. The telephone showed that there was a plan with 2.0 GB of Internet availability. The telephone showed that approximately 0.53 GB of data had been used on that device since February 1, 2021.

Based on Mr. Ferguson's possible Internet access, the undersigned officer instructed him to obtain a cellular telephone that does not have the capability of accessing the Internet.

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On February 12, 2021, Mr. Ferguson's daughter, Kaylee Alexander, contacted the undersigned officer. Ms. Alexander advised she had been using Mr. Ferguson's cellular phone to pay his bills. She reported Mr. Ferguson had purchased a new cellular telephone on that date that did not have Internet access. Ms. Alexander stated she was in possession of Mr. Ferguson's Samsung Galaxy cellular telephone.

PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: February 19, 2021

by s/Erik Carlson

Erik Carlson
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

February 19, 2021

Date